

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

CIVIL ACTION NO. 1:18-CV-00133-WO-LPA

DOROTHEA ROBINSON,)
vs.)
Plaintiff,)
vs.)
THE PROCTER & GAMBLE)
MANUFACTURING COMPANY)
("P&G"), SCOTT SPILLMANN, MD,)
and CANDY WRIGHT,)
Defendants.)

DEFENDANT P&G'S MOTION TO
DISMISS PLAINTIFF'S AMENDED
COMPLAINT

NOW COMES Defendant The Procter & Gamble Manufacturing Company (hereinafter "P&G") by and through undersigned counsel, and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, as well as LR 7.2 and 7.3, hereby moves this Court for an Order dismissing Plaintiff's retaliation, discrimination, civil conspiracy and defamation claims against P&G for failure to state a claim upon which relief can be granted.

In support of this motion, and for the reasons more fully explained in the *Memorandum of Law in Support of Defendant P&G's Motion to Dismiss Plaintiff's Amended Complaint*, which is being filed simultaneously herewith, Defendant contends that the aforementioned claims should be dismissed because:

- Plaintiff's Title VII and Section 1981 retaliation claims against P&G should be dismissed because there is no causal nexus between any alleged protected activity and the termination of Plaintiff.
- Plaintiff's Title VII and Section 1981 retaliation claims against P&G should be dismissed because Plaintiff admits that P&G had to terminate her employment after

Dr. Spillmann refused to let Plaintiff practice under his medical license, negating Plaintiff's ability to show that her alleged protected activity was a "but-for" cause of her termination.

- Plaintiff's discrimination claim against P&G should be dismissed because Plaintiff fails to allege a *prima facie* case of discrimination under Title VII, Section 1981, and NCEEPA.
- Plaintiff's discrimination claim against P&G should be dismissed because Plaintiff cannot show that she suffered an adverse employment action.
- Plaintiff's discrimination claim against P&G should be dismissed because Plaintiff cannot show that she was performing at a level that met P&G's legitimate job expectations.
- Plaintiff's defamation claim against P&G should be dismissed because Plaintiff has failed to allege that P&G made any defamatory statements to a third party regarding Plaintiff.
- Plaintiff's defamation claim against P&G should be dismissed because Plaintiff has failed to allege that she was harmed by any alleged statements that P&G made to a third party.
- Plaintiff's civil conspiracy claim against P&G should be dismissed because the intracorporate conspiracy doctrine bars liability where all of the alleged conspirators are agents of a single corporation.
- Plaintiff's civil conspiracy claim against P&G should be dismissed because Plaintiff fails to allege the participation of two or more actors in the alleged conspiracy.

In accordance with LR 7.2 and 7.3 of the Rules of the Practice and Procedure of the United States District Court for the Middle District of North Carolina, Defendant P&G has filed an accompanying Memorandum of Law which explains the grounds, authority, and arguments supporting this Motion in more detail.

WHEREFORE, for the reasons set forth above, among others, Defendant respectfully requests that P&G's Partial Motion to Dismiss be GRANTED and Plaintiff's

retaliation, civil conspiracy and defamation claims against Defendant P&G be DISMISSED
with prejudice.

Respectfully submitted this the 25th day of May, 2018.

JACKSON LEWIS P.C.

BY: /s/ M. Robin Davis
M. ROBIN DAVIS
N.C. State Bar No. 21655
CAITLIN M. GOFORTH
N.C. State Bar No. 49227
Attorneys for Defendants The Procter & Gamble Mfg. Co and Candy Wright
3737 Glenwood Avenue, Suite 450
Raleigh, NC 27612
Telephone: (919) 760-6460
Facsimile: (919) 760-6461
Email: Robin.Davis@jacksonlewis.com
Email: Caitlin.Goforth@jacksonlewis.com

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**CERTIFICATE OF
SERVICE**

The undersigned certifies that on May 25, 2018, the foregoing *Defendant P&G's Motion to Dismiss Plaintiff's Amended Complaint* was electronically filed with the Clerk of the Court, using the Court's CM/ECF electronic service system which will serve a copy on all counsel of record as follows:

Angela Newell Gray
Gray Newell Thomas, LLP
7 Corporate Center Court, Suite B
Greensboro, NC 27408
angela@graynewell.com
Attorney for Plaintiff

Perry C. Henson, Jr.
Nicole R. Scallon
Henson & Talley, L.L.P.
Post Office Box 3525
Greensboro, North Carolina 27402
phenson@hensonlawyers.com
nscallon@hensonlawyers.com
Attorneys for Defendant Scott Spillmann, MD, MPH

JACKSON LEWIS P.C.

BY: /s/ M. Robin Davis
M. ROBIN DAVIS
N.C. State Bar No. 21655
CAITLIN M. GOFORTH
N.C. State Bar No. 49227
Attorneys for Defendants Procter & Gamble Mfg. Co and Candy Wright
3737 Glenwood Avenue, Suite 450
Raleigh, NC 27612
Telephone: (919) 760-6460
Facsimile: (919) 760-6461
Email: Robin.Davis@jacksonlewis.com
Email: Caitlin.Goforth@jacksonlewis.com

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